

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JANESSA NOVAK, individually and as
Special Administrator for the Estate of
Lance Novak, deceased, and on behalf of
M.N., and H.N., minor children of the
deceased,

Plaintiff,

v.

Case No.: 21-CV-81

MICHAEL MCILVAIN, in his individual capacity,
HEATHER WHITE, in her individual capacity,
JOSHUA DELONG, in his individual capacity,
TODD LEONARD, M.D., in his individual capacity,
JANE DOES 1-3, in their individual capacities,
DOUGLAS COUNTY, AND MEND CORRECTIONAL CARE,
PLLC.,

Defendants.

**CROSS CLAIM FOR CONTRIBUTION AND INDEMNITY
OF DEFENDANT MICHAEL MCILVAIN, HEATHER WHITE, JOSHUA
DELONG AND DOUGLAS COUNTY AGAINST CO-DEFENDANT'S TODD
LEONARD, M.D., IN HIS INDIVIDUAL CAPACITY,
JANE DOES 1-3, IN THEIR INDIVIDUAL CAPACITIES, AND MEND
CORRECTIONAL CARE PLLC**

Michael McIlvain, Heather White, Joshua DeLong and Douglas County by its
attorneys, Crivello Carlson, S.C., cross claims against Todd Leonard, M.D., in his
individual capacity, Jane Does 1-3, in their individual capacities, and MEnD
Correctional Care, PLLC as follows:

1. Michael McIlvain, Heather White, Joshua DeLong and Douglas County adopts and reasserts the allegations of the Complaint, and all prior Answers and Affirmative Defenses previously filed herein by the County.
2. At all times material hereto, Douglas County contracted with MeND Correctional Care, PLLC, to provide all medical care to its inmates and detainees.
3. At all times material hereto, Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND were responsible for the medical care to inmates and detainees.
4. Plaintiffs' alleged damages and the damages incurred by Michael McIlvain, Heather White, Joshua DeLong and Douglas County in defending this matter arise from alleged wrongful acts of Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND, and alleged joint wrongful acts of Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND.
5. Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND agreed to hold the County harmless and owes Michael McIlvain, Heather White, Joshua DeLong and Douglas County indemnity under the Contract for all costs of defense and all other damages, if any, related to the Plaintiffs' claims in this matter.
6. Based upon the Plaintiffs' claims, Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND owes Michael

McIlvain, Heather White, Joshua DeLong and Douglas County contribution for any liability for the Plaintiffs' claims.

7. To date, Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND have not indemnified Michael McIlvain, Heather White, Joshua DeLong and Douglas County for any damages or expenses incurred in this matter.
8. Michael McIlvain, Heather White, Joshua DeLong and Douglas County have been damaged and will continue to be damaged by incurring expenses and liability, if any, to the Plaintiffs' for their claims.

WHEREFORE, the County demands judgment as follows:

- a. Dismissal of the Plaintiff's claims and Complaint on the merits and with prejudice;
- b. For judgment for contribution and/or indemnification and/or reimbursement by Co-Defendant Todd Leonard, M.D., in his individual capacity, Jane Does 1-3, in their individual capacities, and MeND; and
- c. For any other remedies the Court may deem just and equitable.

Dated this 2nd day of July, 2021.

CRIVELLO CARLSON, S.C.
Attorneys for Defendants Michael
McIlvain, Heather White, Joshua DeLong
and Douglas County

By: /s/Andrew C. Goldner
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